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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
WAGGONER

Atty. Ref.: 4091-2

Serial No. 09/740,486

TC/A.U.: 1639

Filed: December 19, 2000

Examiner: Ponnaluri

For: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF
BIOLOGICAL AND OTHER MATERIALS BY LUMINESCENCE
METHODS

* * * * *

July 21, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Attached is an English translation of an Opposition Brief setting out the grounds for an opposition filed against German patent DE 39 43 862 B4 granted January 22, 2004. This German patent claims benefit of U.S. patent application Serial No. 240,756 filed April 12, 1998, which is a continuation-in-part of Serial No. 06/854,347 filed April 18, 1986 from which the present application claims priority.

A formal notice of opposition was filed (in German) on April 22, 2004 and the attached English translation was received by a person designated in 37 C.F.R. §1.56(c) on July 9, 2004.

The opposition is based upon an abstract by Salama, Waggoner and Abramson published in February of 1985 in the Biophysical Journal and is already record in this application. An additional copy is attached for the examiner's convenience. Claim 5 of the opposed patent is set out on page 2 of the attached written statement.

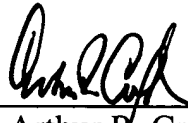
WAGGONER
Serial No. 09/740,486

Please take this information into account during your further examination of this application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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INFORMATION DISCLOSURE CITATION

ATTY. DOCKET NO.

4091-2

APPLICANT

WAGGONER

FILING DATE

December 19, 2000

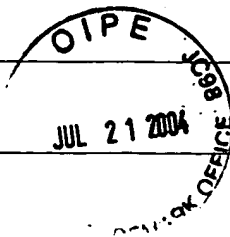
SERIAL NO.

09/740,486

TC/A.U.

1639

(Use several sheets if necessary)



U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	English translation of an Opposition setting out the grounds for an opposition filed against German patent DE 39 43 862 B4 granted January 22, 2004.
	Salama et al, "Sulfhydryl Reagent Dyes Trigger the Rapid Release of Ca ²⁺ From Sarcoplasmic Reticulum Vesticles (Sr).", Biophysical Journal, February, 1985, Vol. 47, No. 2, Part 2.

***Examiner**

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.